



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590



MAR 21 2012

REPLY TO THE ATTENTION OF:

SR-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Wolverine Worldwide, Inc.  
C/o Michael L. Robinson, Esq.  
Warner Norcross & Judd LLP  
900 Fifth Third Center  
111 Lyon Street, N.W.  
Grand Rapids, Michigan 49503-2487

Re: Request for Information Pursuant to Section 104(e) of CERCLA Regarding  
Wolverine Worldwide's Former Tannery Site (SSID: C593) in Rockford, Michigan

Dear Mr. Robinson:

The U.S. Environmental Protection Agency (U.S. EPA or Agency) has been investigating contamination at Wolverine Worldwide, Inc.'s (Wolverine's) former tannery site in Rockford, Michigan (the site). With this request, we are formalizing and broadening our previous request for data to assist U.S. EPA's Removal and Site Assessment investigations.

The U.S. EPA asks that you provide information and documents relating to Wolverine's activities at the Site. You must respond completely and truthfully to this Information Request and its questions and return your response within twenty-one (21) calendar days of your receipt of this letter. The questions are in Enclosure 1; instructions for completion of the response are in Enclosure 2; definitions of terms used in this Information Request are in Enclosure 3.

You may consider some information that we request as confidential. If you wish to assert a privilege of business confidentiality for information that is responsive to a question in Enclosure 1, you must respond to the question and advise U.S. EPA that you request that the Agency treat the response as confidential business information. Directions to assert a claim of business confidentiality are in Enclosure 4.

The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9601, et seq., (commonly referred to as CERCLA or Superfund) gives U.S. EPA the authority to: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by a site, and 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, U.S. EPA has authority to gather information and to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials that have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability of a person to pay for or perform a clean-up.

Enclosure 5 is a summary of this legal authority.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, as amended. Failure to respond and/or failure to justify the non-response can result in similar penalties under this Section. Further, Section 104(e)(5) authorizes the United States to seek penalties from a Federal Court of up to thirty-two thousand five hundred dollars (\$32,500) for each day of continued noncompliance. The EPA considers noncompliance to be not only failure to respond to the Information Request, but also failure to respond completely and truthfully to each question in the Information Request.

The provision of false, fictitious or fraudulent statements or misrepresentations may subject you to criminal penalties of up to twenty-five thousand dollars (\$25,000) or up to five (5) years imprisonment, or both, under 18 U.S.C. §1001.

The EPA has the authority to use the information requested in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 et seq.

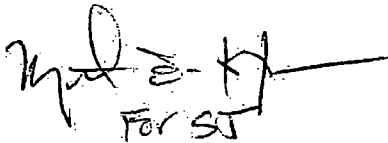
You must provide your response to EPA within twenty-one (21) days of your receipt of this Information Request. Please mail the response to:

G. Marie Watts  
Environmental Protection Specialist  
U.S. Environmental Protection Agency  
Superfund Division (SC-5J)  
77 W. Jackson Boulevard  
Chicago, IL 60604-3590

If you have legal questions pertaining to this information request, please contact Tom Williams, Associate Regional Counsel, at (312) 886-0814. For all other general questions pertaining to this information request, please contact Ms. Watts at (312) 886-7591.

We appreciate your effort to respond fully and promptly to this Information Request.

Sincerely,



For SJ

Sharon Jaffess, Chief  
Enforcement and Compliance Assurance Branch

cc. Nuria Muñiz  
Partap Lall

Enclosures:

1. Questions
2. Instructions
3. Definitions
4. Confidential Business Information
5. Description of Legal Authority

**ENCLOSURE 1**  
**QUESTIONS**

- 1) Identify all persons consulted in the preparation of the answers to this Information Request and the questions herein.
- 2) Identify all documents consulted, examined, or referred to in the preparation of the answers to this Information Request, and provide copies of all such documents.
- 3) Produce correct and complete copies of the following:
  - a) All available environmental data, including, but not limited to, all soil, sediment and groundwater sample collection data and analyses; all groundwater and surface water elevation data used to determine groundwater flow direction; and any other environmental sample collection data and analyses from the site;
  - b) Any and all information relating to the historic solid waste handling and disposal practices at the site, including waste liquids, semi-liquids, and sludges. Please include data from the period antedating the construction of the facility's wastewater treatment plant, and include information regarding any analysis and cleanup of chemical spills at the site;
  - c) Any and all information relating to the removal of wastes (both characterized and uncharacterized), including quantities, analyses and disposal destinations, during the demolition of the tannery;
  - d) Any and all data regarding chemical storage during site operations, including the location and capacity of above- and below-ground storage tanks, vats, drums and containers;
  - e) Any and all data regarding media known to be contaminated with hazardous substances, pollutants or contaminants, including soils, solid wastes and any process residues left on site or along the adjacent river banks during decommissioning and demolition activities; and
  - f) All records of any air monitoring conducted during decommissioning and demolition of the site.
- 4) Identify the chemicals historically used at the site.

- 5) Did you ever use, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances, wastes or other materials? If the answer to the preceding question is anything but an unqualified "no," for each such hazardous substance, waste or other material, describe in detail the nature and volume of the hazardous substance, waste or other material, and how it was used, generated, stored, treated, disposed or otherwise handled at the Site.
- 6) Describe Wolverine's waste management practices at the site, including the period antedating the construction of the wastewater treatment plant. In your response, identify any practices or incidents in which liquid wastes, off-specification liquid process materials or sludges were spilled, disposed of, buried, placed or stored upon the land at the site, and identify the location of any such areas of spillage, placement or storage.
- 7) Identify the location of any drum storage areas at the site, and identify any wastes that were stored in such areas.
- 8) Identify the protocols that were followed during the tannery's demolition to characterize soils, demolition materials and any wastes discovered on site during the demolition, and identify the locations to which soils, demolitions and waste materials were sent.

**ENCLOSURE 2**  
**INSTRUCTIONS**

1. Answer each of the questions in this Information Request separately.
2. Precede each answer with the number of the question to which it corresponds.
3. Respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
4. In answering each question, identify all persons and contributing sources of information.
5. For any document submitted in response to a question, indicate the number of the question to which it responds.
6. Although the U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. §9604, authorizes the U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to questions and requests for submissions of required information.
7. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.
8. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under the penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiring of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

The individual who prepared the response or a responsible corporate official acting on behalf of the corporation must sign and date the statement. Include the full title of the individual signing the response.

9. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
10. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Enclosure 4.

**ENCLOSURE 3**  
**DEFINITIONS**

1. The term "document" includes any written, recorded, computer-generated, or visual or auditory materials of any kind in any medium in your possession, custody or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
2. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.
3. The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
4. The term "identify" means, with respect to a corporation, partnership, businesses trust or other association or business entity (including a sole proprietorship, LLC, LLP or PC), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
5. The term "person" as used herein includes, in the plural as well as the singular, any natural person, unincorporated association, corporation, partnership, businesses trust or other association or business entity (including a sole proprietorship, LLC, LLP or PC) or governmental entity, unless the context indicates otherwise.
6. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
7. The term "release" shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.
8. The term "Site" referenced in these documents shall mean Wolverine Worldwide, Inc.'s (Wolverine's) former tannery site located at 123 North Main St. in Rockford, Michigan.



9. The terms "you" and "yourself" refer to Wolverine Worldwide, Inc, the company to whom this information request is addressed.

All terms not defined herein will have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R., Part 300 or 40 C.F.R., Part 260-280, in which case, the statutory or regulatory definitions will apply.

**ENCLOSURE 4**  
**CONFIDENTIAL BUSINESS INFORMATION**

You may consider some of the information confidential that the U.S. Environmental Protection Agency (U.S. EPA or Agency) is requesting. You cannot, however, withhold information or records upon that basis.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Federal Register 36902 et seq. (September 1, 1976); as amended at 43 Federal Register 4000 et seq. (September 8, 1978); 50 Federal Register 51661 et seq. (December 18, 1986); and 58 Federal Register 461 et seq. (January 5, 1993)). If no such claim accompanies the information when the U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCLA), because, as stated in Section 104(e)(7) (ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you want the U.S. EPA to treat the information or record as "confidential", you must advise the U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential," and identify the number of the question to which it is the response.

The regulations at 40 C.F.R. Part 2, Section 200 et seq., require the U.S. EPA to give you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency considers the information confidential, e.g., until a specific date or until the occurrence of a specific event;
2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been

disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;

4. Whether the U.S. EPA or other federal agency has made a determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;
5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information; and,
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. 2.201(i). If you make this assertion, explain how the disclosure would tend to lessen the ability of the U.S. EPA to obtain similar information in the future; and,
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. 2.208(e), the burden of substantiating confidentiality rests with you. The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as "confidential," your comments will be available to the public without further notice to you.

## ENCLOSURE 5

### DESCRIPTION OF LEGAL AUTHORITY

The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9601, et seq. (commonly referred to as CERCLA or Superfund) gives U.S. EPA the authority to, among other things: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by each site, and, 3) cleanup those sites.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9601(e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance pollutant or contaminant at or from a vessel or facility; and,
- C. The ability of a person to pay for or perform a cleanup.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. §1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. The U.S. EPA has the authority to use the information requested in this information Request in an administrative, civil or criminal action.